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1632  
Dkt. 62166/JPW/MVM

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Thomas M. Jessell et al.  
Serial No.: 09/654,462 Group Art Unit: 1632  
Filed : September 1, 2000 Examiner: A-M Baker  
For : GENETIC DEMONSTRATION OF REQUIREMENT FOR NKX6.1  
AND NKX2.2 IN VENTRAL NEURON GENERATION

1185 Avenue of the Americas  
New York, New York 10036  
April 25, 2002

Assistant Commissioner for Patents  
Washington, D.C. 20231

SIR:

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COMMUNICATION IN RESPONSE TO MARCH 26, 2002 NOTICE

This Communication is submitted in response to a March 26, 2002 Notice issued by the United States Patent and Trademark Office in connection with the above-identified application. A copy of the Notice is attached hereto as **Exhibit 1**. The Notice provides a one month period for filing a response. Therefore, a response to the March 26, 2002 Notice is due April 26, 2002. Accordingly, this Communication is being timely filed.

REMARKS

In the March 26, 2002 Notice, the Examiner stated that the communication filed February 20, 2002 is informal/non-responsive because it does not contain a mark-up version. In an April 24, 2002 telephone conference with Maria Marucci, Esq. of the undersigned attorney's firm, Examiner Baker conceded that the Notice erroneously indicates that applicants' response was filed on February 20, 2002. The Examiner stated that the Notice should instead refer to the Amendment filed by applicants on January 17, 2002. In addition, the Examiner stated that submission of only the marked up version of the new paragraphs filed in applicants' January 17, 2002 Amendment would be sufficiently responsive to the Notice.


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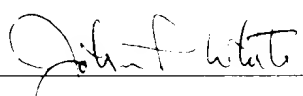
In response, applicants respectfully traverse. Nevertheless, applicants without conceding the correctness of the Examiner's position but to expedite prosecution of the subject application attach hereto, as **Exhibit 2**, a version of the amended paragraphs filed in the January 17, 2002 Amendment marked up to show the changes relative to the previous version thereof. Accordingly, applicants contend that this communication is fully responsive and respectfully request that the Examiner enter applicants' January 17, 2002 Amendment.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

No fee is deemed necessary in connection with the filing of this Communication. However, if any fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20531.	
	4/25/02
John P. White	Date
Reg. No. 28,678	

  
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UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.

1 m. 7-26-02  
2 m. 5-26-02  
3 m. 6-26-02  
4 m. 7-26-02  
5 m. 8-26-02  
6 m. 9-26-02

AP

EXAMINER	
ART UNIT	PAPER NUMBER

DATE MAILED:

This is a communication from the examiner in charge of your application.

COMMISSIONER OF PATENTS AND TRADEMARKS

1 ☒ The communication filed 2/20/02 is informal/non-responsive for the reason(s) checked below and should be corrected. APPLICANT IS GIVEN ONE MONTH FROM THE DATE OF THIS LETTER OR UNTIL THE EXPIRATION OF THE PERIOD FOR RESPONSE SET IN THE LAST OFFICE ACTION (WHICHEVER IS LONGER) WITHIN WHICH TO CORRECT THE INFORMALITY.

- a. ☐ The amendment to claim(s) \_\_\_\_\_ filed \_\_\_\_\_ fails to comply with the provisions of 37 C.F.R. 1.121 and is accordingly held to be non-responsive. A supplemental paper correcting the informal portions and complying with the rule is required.
- b. ☐ The paper is unsigned. A duplicate paper or ratification, properly signed, is required.
- c. ☐ The paper is signed by \_\_\_\_\_, who is not of record. A ratification or a new power of attorney with a ratification, or a duplicate paper signed by a person of record, is required.
- d. ☐ The communication is presented on paper which will not provide a permanent copy. A permanent copy, or a request that a permanent copy be made by the Office at applicant's expense, is required, see M.P.E.P. 714.07.
- e. ☒ Other Does not contain a mark-up version

2. ☐ In accordance with applicant's request, THE PERIOD FOR RESPONSE FROM THE OFFICE ACTION DATED \_\_\_\_\_ IS EXTENDED TO RUN \_\_\_\_\_ MONTH(S).  
No further extension will be granted unless approved by the Commissioner, 37 C.F.R. 1.136 (b).

3. ☐ Receipt is acknowledged of papers submitted under 35 U.S.C. 119 which papers have been made of record in the file.

4. ☒ Other does not include a mark-up version